

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

ANNABEL DOBBS, )  
Individually and as Personal )  
Representative of the Estate of )  
TERRY DOBBS, )  
Plaintiff, )  
v. )  
WYETH, )  
Defendant. )  
Case No. CIV-04-1762-D

**NOTICE OF ADDITIONAL AUTHORITY IN  
SUPPORT OF WYETH'S MOTION FOR SUMMARY JUDGMENT**

In connection with its Motion for Partial Summary Judgment Based On Federal Preemption Or, In The Alternative, Based On State Law (Doc. 113), defendant Wyeth provides the Court with the recent decision in *Tucker v. SmithKline Beecham Corp.*, No. 1:04-cv-1748, slip op. (S.D. Ind. Sept. 19, 2007), a copy of which is attached as Exhibit 1. The *Tucker* plaintiff alleged that the defendant drug manufacturer's prescription antidepressant caused her decedent, a 55-year-old male, to commit suicide in September 2002. *Tucker* found those claims preempted, observing that the plaintiff's "state law claims stand in direct conflict with the FDA's labeling requirements for Paxil issued pursuant to federal law." (*Id.* at 22).

Dated: September 21, 2007

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT WYETH**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of September, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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